

REMARKS

Claims 1-13 and 19-20 are now pending in the application. Claims 1-13 are amended and claims 19-20 are new. Amendments to the claims and the new claims are fully supported by the Application as filed, as such no new matter has been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments, remarks contained herein and the request for continued examination (RCE) filed herewith.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brewer (U.S. Pat. No. 5,255,324) in view of Wassink (U.S. Pat. No. 5,633,940). This rejection is respectfully traversed.

Claim 1 has been amended to include elements not shown, taught or suggested by Brewer and Wassink alone or in combination. Amendments to claim 1 are fully supported by the Application as filed, and namely Paragraphs [0014] and [0019]-[0021]. Therefore, no new matter has been added.

For example, claim 1 now recites that the second processor determines that the level of the second wideband parameter has been reduced in response to a clipping signal before the second processor determines that the level of the first narrowband parameter has been reduced in response to the clipping signal. Brewer and Wassink alone or in combination do not include this element.

The Office Action recognized that Brewer does not disclose recovering a first parameter after a second parameter is fully recovered. (Office Action, Page 4.)

Further, as best understood by Applicants, Brewer discloses restoring a bass command if it is lower than an input and then restoring a volume command if it is lower than an input, if necessary. Column 5, Lines 27-45. In other words, Brewer discloses analyzing a narrowband signal and then analyzing a wideband signal. In contrast, the second processor of claim 1 determines that the level of the second wideband parameter has been reduced before determining that the level of the first narrowband parameter has been reduced. Further, as best understood, Wassink does not specify an order for determining levels of reduction in wideband and narrowband parameters prior to recovery of parameters, as in claim 1.

Therefore, claim 1 includes elements not shown, taught or suggested by the prior art.

Further, Wassink teaches away from claim 1. For example, claim 1 recites that incremental recovery of said original level of said second wideband parameter followed by an incremental recovery of an original level of a first narrowband parameter **reduces a noticeable change in an audible output** of the system caused by operations of the second processing unit. In contrast, Wassink is directed to a system that increases perceivability of volume adjustment. (Column 1, Lines 44-47.) Wassink therefore is not directed to reducing noticeable change in audio outputs, as in claim 1 and instead teaches increasing noticeability of volume change in an audio output. Therefore, Applicants contend that the combination of Brewer and Wassink is improper for at least this reason.

Claim 1 is believed to be allowable for at least these reasons. Claim 8 is believed to be allowable for at least similar reasons as Claim 1. Claims 2-7 and 9-13 depend from claims 1 and 8 and are believed to be allowable for at least this reason.

NEW CLAIMS

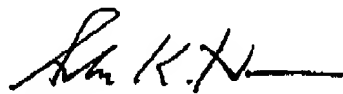
Claims 19-20 are new and are fully supported by the Application as filed, and namely Paragraph [0021]. Claims 19-20 are believed to be allowable for at least similar reasons as claim 1.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 944-6526.

Respectfully submitted,

Dated: April 7, 2009

By: 
Gordon K. Harris, Jr.
Reg. No. 28615

Ralph Edwin Smith
CIMS 483-02-19
DaimlerChrysler Intellectual Capital Corporation
DaimlerChrysler Tech. Center
800 Chrysler Drive
Auburn Hills, Michigan 48326-2757
Phone: 248-944-6519

14446589.1